

10-04-04 IFW

App. No. 10/748,887  
Filed October 1, 2004  
Response to Office Action of September 3, 2004

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MAL  
<Marilyn Zantler>

October 1, 2004  
Date

**REPLY UNDER 37 CFR 1.116 – EXPEDITED PROCEDURE – Technology Center  
1600**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/748,887  
Applicant : Jürgen Engel and Manfred Peukert  
Filed : July 30, 2002  
Title : **USE OF LHRH ANTAGONISTS IN DOSES THAT DO NOT CAUSE  
CASTRATION FOR THE T-CELL MEDIATED IMMUNITY**  
TC/A.U. : 1647  
Examiner : James Jason Galvez  
Docket No. : 103832-512NP

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO RESTRICTION REQUIREMENT**

Sir or Madam:

In response to the Official Action dated September 3, 2004, Applicant respectfully submits the following amendments and remarks for consideration by the Examiner in the above-identified patent application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

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## REMARKS/ARGUMENTS

### Summary of Amendments to the Claims

Applicants elect Claims 1-6 of Group I. Non-elected claims 7-11 have been withdrawn. Claim 12-16 have been added to more particularly define the invention. Claims 1-6 and 12-16 are under examination.

### Response to the Restriction Requirement

In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. 121:

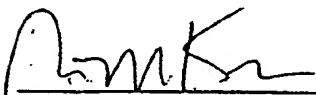
- Group I: Claims 1-6, drawn to a method of treatment using an LHRH antagonist, classified in class 514, subclass 2;
- Group II: Claims 7, drawn to LHRH antagonists, classified in class 530, subclass 300; and
- Group III: Claims 8-11, drawn to a method of making a pharmaceutical containing LHRH antagonists, classified in class 435, subclass 68.1.

In response to the restriction requirement, Applicants elect the subject matter of Group I, claims 1-6, relating to method of treatment using an LHRH antagonist. Applicants elect species cetrorelix. Applicants believe that no new matter has been added. Applicants reserves the right to file the withdrawn subject matter in a subsequent application.

Based on the foregoing amendments and remarks, favorable consideration and allowance of all of the claims now present in the application are respectfully requested.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Respectfully submitted for Applicant,



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